

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for Charlottesville
OCT 12 2005

JOHN E. CORCORAN, CLERK
BY: *Fay Allman*
DEPUTY CLERK

MICHAEL D. GRAZIANO,

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 3:04-CV-00073

ORDER

JUDGE NORMAN K. MOON

This case comes before this Court on the Commissioner of Social Security's objections to the July 11, 2005 Report and Recommendation of the presiding United States Magistrate Judge. The Magistrate Judge recommended that the court remand the final decision of the Commissioner for further proceedings. Having thoroughly considered the Report and Recommendation, the Commissioner's objections, the applicable law, and the documented record, and for the reasons stated in the accompanying Memorandum Opinion, it is accordingly this day

ADJUDGED, ORDERED AND DECREED

as follows:

1. The Commissioner's objections to the Report and Recommendation shall be, and they hereby are, OVERRULED;

2. The decision recommended in the Magistrate Judge's July 11, 2005 Report and Recommendation shall be, and it hereby is, ADOPTED AS MODIFIED;
3. The decision shall be, and it hereby is, REMANDED to the Commissioner for further proceedings.

ENTERED:


United States District Judge

10-12-05
Date